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6   UNITED STATES DISTRICT COURT

7   DISTRICT OF NEVADA

8   * * *

9   STEVEN KOZLOWSKI,   Case No. 3:15-cv-00246-MMD-VPC

10   Plaintiff,   ORDER

      v.
11
    STATE OF NEVADA, *et al.*,
12
                                     Defendants.
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14   On August 30, 2016, Plaintiff was given thirty (30) days to comply with LR IA 3-1

15   by filing a notice of Plaintiff's current mailing address and notified that failure to comply

16   will result in dismissal of this action. The thirty-day period has now expired, and Plaintiff

17   has not filed a notice of current address or otherwise responded to the Court's order.[1]

18   District courts have the inherent power to control their dockets and "[i]n the

19   exercise of that power, they may impose sanctions including, where appropriate . . .

20   dismissal" of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829,

21   831 (9th Cir. 1986). A court may dismiss an action, with prejudice, based on a party's

22   failure to prosecute an action, failure to obey a court order, or failure to comply with

23   local rules. *See Ghazali v. Moran*, 46 F.3d 52, 53-54 (9th Cir. 1995) (dismissal for

24   noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir.

25   1992) (dismissal for failure to comply with an order requiring amendment of complaint);

26   *Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (dismissal for failure to comply

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28   [1]In fact, the Court's last two orders were returned as undeliverable.

1   with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v.*

2   *U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply

3   with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal

4   for lack of prosecution and failure to comply with local rules).

5   In determining whether to dismiss an action for lack of prosecution, failure to

6   obey a court order, or failure to comply with local rules, the court must consider several

7   factors: (1) the public's interest in expeditious resolution of litigation; (2) the court's need

8   to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy

9   favoring disposition of cases on their merits; and (5) the availability of less drastic

10 alternatives. *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423-24; *Malone*,

11 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260-61; *Ghazali*, 46 F.3d at 53.

12   In the instant case, the Court finds that the first two factors, the public's interest in

13 expeditiously resolving this litigation and the Court's interest in managing the docket,

14 weigh in favor of dismissal. The third factor, risk of prejudice to Defendants, also weighs

15 in favor of dismissal, since a presumption of injury arises from the occurrence of

16 unreasonable delay in filing a pleading ordered by the court or prosecuting an action.

17 *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976). The fourth factor ─ public

18 policy favoring disposition of cases on their merits ─ is greatly outweighed by the factors

19 in favor of dismissal discussed herein. Finally, a court's warning to a party that his

20 failure to obey the court's order will result in dismissal satisfies the "consideration of

21 alternatives" requirement. *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132-33;

22 *Henderson*, 779 F.2d at 1424. The Court's order requiring Plaintiff to file a notice of

23 current address within thirty days expressly stated: "Failure to comply will result in

24 dismissal of this action." (ECF No. 12.) Thus, Plaintiff had adequate warning that

25 dismissal would result from his noncompliance with the Court's order to file a notice of

26 Plaintiff's current mailing address within thirty (30) days.

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1   It is therefore ordered that this action is dismissed without prejudice based on

2 Plaintiff's failure to file a notice of Plaintiff's current mailing address in compliance with

3 this Court's August 30, 2016, order.

4   It is further ordered that the Clerk of Court close this case.

5   DATED THIS 6th day of October 2016.

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   MIRANDA M. DU
8   UNITED STATES DISTRICT JUDGE

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